

TOWN OF SURF CITY

NOVEMBER 22, 2019 WORK SESSION AGENDA

Agenda

9:00 AM / Friday, November 22, 2019 Surf City Community Center, 201 Community Center Drive

Call to Order

Mayor Douglas C. Medlin, Mayor

Invocation & Pledge

Introductions & Welcome

Adoption of the Agenda

Work Plan

- 1. Board of Adjustment Appointment Tom Crawford, Chair
- 2. Cape Fear Council of Government Liaison Appointment Teresa Batts
- 3. Town Hall Temporary Rental Space
- 4. Work Session Date & Time
- 5. Advisory Board Policy & Procedures
- 6. Saltwater Landing Streets Acceptance
- 7. Closed Session Pursuant NCGS 143-318.11(a)(6) Personnel

Town Council Work Plan Items:

- Board of Adjustment Appointment Tom Crawford, Chair Presented by Community Development Dept.
- 2. Cape Fear Council of Government Liaison Appointment Teresa Batts
 Presented by Stephanie Hobbs
- 3. Town Hall Temporary Rental Space Discussion Item

- 4. Work Session Date & Time
- 5. Advisory Board Policy & Procedures
 Discussion Item
- 6. Saltwater Landing Streets Acceptance
 Presented by Chad Merritt, Parks & Recreation Director
- 7. Closed Session Pursuant NCGS 143-318.11(a)(6) Personnel

- 4. Work Session Date & Time
- 5. Advisory Board Policy & Procedures
 Discussion Item
- 6. Saltwater Landing Streets Acceptance
 Presented by Chad Merritt, Parks & Recreation Director
- 7. Closed Session Pursuant NCGS 143-318.11(a)(6) Personnel



CANDIDATE REQUEST FOR APPOINTMENT TO BOARDS AND COMMITTEES OF THE TOWN OF SURF CITY

Name of Board or Committee you are seeking appointment to:

Name: TODO H. CRAWFORD, SR.
Home Address: P.O. Box 2403, Sver City Tel:
Business Address: SNE NOS FERRY 28 HOR Te
Marital Status: Divorce 0 Name of Spouse:
Do you live within the Corporate limits of Surf City? Yes No
How long have you been a resident in Surf City? years
High School: MCKESPORT HIGH SCHOOL
Date of Graduation:
Type of Course (s): COLLEGE PREPATORY
College/University: PENN STITE UNIVERSITY
Date of Graduation:
Type of Course(s): POLITICAL SCIENCE
Presently employed by: PROFESSIONAL SOLUTIONS 1, LLC (PROSOL)
Job Title: LEGAL ADVISOR
Duties Performed: IN HOUSE COUNSEL
Current membership in organizations and offices held: SEA TURTIE HOSPITAL - BOARD
OF DIRECTORS; CONSUMERS UNION; ABA
Past organizational membership and offices held: ABA; PA. BAR ASSOCIATION;
WESTMORELAND BAR; ALLEGHENY GUNTY BAR

If yes, explain		
State reason why yo	ou feel qualified for this appointment(s).	
PROFESSION.	IL LAW PARCTICE ITIGHTION, STATE AND FEDERAL	
- Crimin	AL DEFENSE, STATE 11 CORPORATE PREOPLEMIZATIONS	
- VECEDIE	NTS' ESTATES	
- BUSING	SS EXPERIENCE, INCLUDING REAL ESTATE	=
PLEASE SEE	ATTACHED RESUME	

Do you anticipate a conflict of interest by serving as a member of a Board of Committee?

Note:

This information will be use by the Town Council in making appointments to Boards and Committees and in the event you are appointed, it may be used as a news release to identify you to the community.

TOOD H. CRAWFORD SA.

Date

return form to: Town of Surf City, Town Clerk, PO Box 2475, Surf City, NC 28445

fax to 910-328-1746 or 910-328-4132



Todd H. Crawford

Professional Solutions1, LLC

Role on Contract: Legal Advisor

Security Clearance: None

Education and Certifications

Juris Doctor, Law, Duquesne University School of Law, Pittsburgh, Pennsylvania, 1973

B.A., European History, Pennsylvania State University, University Park, Pennsylvania, 1965

United States Supreme Court, 1975
United States Court of Appeals, Third Circuit, 1975
United States District Court for the Western District of Pennsylvania, 1975
Supreme Court of Pennsylvania, 1973

Experience Summary

General Law Practice with emphasis on estates and trusts, business law and criminal law: litigation.

- Estates and Trusts law;
- Business organizational law and business development law;
- Chapter 11 Corporate Reorganization law;
- Criminal law:
- Civil and Criminal litigation.

Areas of Expertise

- Estates and Trusts
- Business organization and development
- Civil and Criminal litigation
- Business Law

Job History: Relevant Experience

Law Firm of Mary C. Fairley, P.C., Surf City, North Carolina, 2004-2008. Civil law; Business entity organization and development; Wills, Trusts, Inter Vivos Trusts; Decedents' Estate Administration; contracts; municipal opinions. Taught advanced paralegal courses over 10-week periods with Mary C. Fairley at UNCW campus, Wilmington, North Carolina (not associated with UNCW.)

President, Loggerhead Motion Picture Studios, Inc., 2001-2004. Restructure of major movie studio business (see Southland Studios, Inc., below); restructure of major movie studio complex financing.

Professor of Criminal Justice, 2002-2004. Shaw University, Wilmington Campus.

Executive Vice President and General Counsel; President, Southland Studios, Inc., 1996-2001. Development of major movie studio complex business from start-up in Wilmington and Brunswick County, North Carolina area, including complex financing structure and acquisition of real estate for construction of studio buildings. Personally responsible for development of the business model, financing structure and financing relationships (primary-Seattle Northwest Securities) with consulting services of Peter R. Carlo. Financing included private placement of BB commercial bond issue, forward commitment in place to re-purchase bond issue (two years), and insurance wrap. Primary partner performed engineering expertise along with Right Angle Engineering, P.A., Wilmington, North Carolina.

Private Law Practice, 1975-1996. Early practice was general with both civil and criminal clientele as well as business entity organization and development, Will and Trust preparation and estate administration. Later evolved into criminal representation and litigation. Later developed into preparation of tax shelters, including securities work, preparation of private placement memorandums, contracts, that ultimately resulted in Chapter 11 Corporate Reorganization representation of some business clients.



Associate Attorney, Costello & Burke Law Firm, 1973-1975. Responsible for administration of decedents' estates; preparation of Will and Trust documentation.

Assistant Trust Officer, Equibank, N.A., 1960-9-1973. Full-time position as Assistant Trust Officer while attending Law School. Business and trust development. Partially responsible for largest increase in Trust Department clients in Bank's history to date.

Significant Training

Law Degree (Juris Doctor); Duquesne University School of Law; 1969-1973

Computer Application/Programming Expertise

Familiar with Microsoft Office Suite and Windows XP

Languages

No foreign languages.

Employment History

Company	Position	Years
Professional Solutions	Legal Advisor	2008-Present
PS Charities	Advisor; Fund Raising	2012-Present

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Work Session Date & Time

The town clerk sent out a survey to all North Carolina Counties & Municipalities regarding work session times and/or dates. The following responses are listed below.

Location	Time	Date
Scotland County	9am	End of month
Rocky Mount	5pm	2 hours before council mtg
Rural Hall	10am	1st Monday
Elkin	2-3pm	
Thomasville	8:30am	1st Tuesday
Wake Forest	5:30pm	before council at 7pm
Hoke County	1pm	Middle of the month
		Regular Meeting 2:30 same
Bald Island	9:30	day
New Bern	1pm	



- CURRENT-SURF CITY

NORTH CAROLINA

Advisory Committees Bi-Laws

1. Scope

PURPOSE:

To establish policy and procedure whereby the Town Council will make appointments to Town public advisory boards, committees, commissions, and councils (hereinafter referred to as "advisory committees").

The Town Council may appoint an advisory committee whose duty is to serve in an advisory capacity.

AUTHORITY:

The Town Council may establish rules and regulations in reference to managing the interest and business of the Town. For statutory boards, authority may include reference to applicable General Statutes.

The Town Council has the responsibility to appoint citizens to serve as members of advisory committees established by the board.

Town department heads and staff are responsible for providing support to the Town advisory committees.

POLICY:

This policy establishes the parameters for appointments to state-mandated, regional, and/or Town-developed advisory committees.

2. Membership

For purposes of consistency, all appointments to any advisory committee will be made by the Town Council. In order to qualify for an appointment to any advisory committee, a person must meet the following requirements:

- a. All committee members must meet the qualifications for the specific advisory committee or the statutory requirements for an appointed position.
- b. All committee members must eighteen (18) years of age or older unless applying under a youth-designated position.
- c. All committee members shall be residents of the Town or own real property or work or

PO Box 2475 Surf City, NC 28445

Phone: (910) 328-4131 Fax: (910) 328-1746 maintain a place of business in the Town and shall have good reputations for integrity and community service and shall not have been convicted of or received a deferred sentence for

a felony crime.

d. No nominee to the committee, nor any members of the nominee's immediate family, shall be

currently employed by the Town.

e. No nominee may currently be a party to or a legal representative in litigation against the

Town.

f. Each nominee must be prepared and committed to participating in Advisory Committee work

in a manner that enhances relationships between the Town and the community.

g. Advisory committee members serve the people of Surf City. As such, their role includes their

commitment for full participation in the advisory committee's meetings and activities.

APPOINTMENT:

a. All members of advisory boards serve at the pleasure of the Town Council.

b. All appointments to advisory boards will be made by Town Council.

TERMS:

a. Advisory committee members whose terms are due to expire may request or be asked to

accept reappointment to the position.

RESIGNATION:

a. A member of an advisory board shall submit his or her resignation in writing to the Chair of

the advisory board on which he or she serves, noting the effective date of the resignation.

b. The Chair will forward a copy of the resignation to the Town Clerk.

c. The Town Council shall recognize the individual's service via a letter or certificate.

d. An announcement of the open seat will be made at the time the resignation becomes effective.

VACANCIES:

Upon expiration of the term of service of members or should a vacancy otherwise occur, the Town

Council shall have the responsibility of selecting and appointing new members to the committee.

REMOVAL:

a. Members of the Town advisory committee are expected to exhibit the highest ethical and

professional standards. The Town Council or designee may remove a member upon a

majority vote of the Town Council.

b. The Town Council may remove any member of the advisory committee for neglect of duty,

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cause.

RELEASE FROM SERVICE:

a. When it is deemed necessary to release a member from his or her term of appointment on an

advisory committee, the affected individual shall be notified by letter.

b. When an advisory committee has completed its function, the members shall be informed of

the termination of the advisory committee by letter or e-mail from the Town Council and/or

the responsible department.

3. Roles and Responsibilities

MEMBERS:

a. Members shall attend meetings of the advisory committee, serve on subcommittees, and

perform other functions as assigned by the advisory committee chair. For quorum

considerations, if a member is unable to attend advisory committee meetings, the member

shall contact the [Chair or designated staff] as soon as possible and at least forty-eight (48)

hours before the scheduled meeting.

b.Ex officio members may be appointed by the Town Council for the purpose of meeting

subject-matter expert needs. Ex officio members are nonvoting members of the Advisory

Committee.

c. Upon review of the above matters, the Town advisory committee shall address

recommendations and concerns, if any, to the Town Manager in writing.

GOVERNING BOARD:

a. The Town Manager will consider the advisory committee's recommendations or concerns.

b. To enhance trust between the Town and the community, members of the advisory committee

will:

1. Assist staff of the Town in achieving a greater understanding of the nature and causes of

community issues, with an emphasis on improving relations between the department and

the citizens.

2. Recommend methods to encourage and develop the Advisory Committee.

3. Work throughout the community to gain relevant information about Advisory Committee

issues and communicate these with the Town Council and employees.

4. Promote public awareness of contemporary issues the Town must address.

OPERATING EXPENSES:

a. Voting members of the advisory committee are not employees of the Town.

b. Voting members serve in a voluntary capacity and shall receive *no/\$* monetary compensation

nor any other financial or employee benefit from the Town.

c. The Town will provide office supplies and assume responsibility for other expenses necessary

for the operation of the committee.

CONFIDENTIALITY:

The Chair shall serve as the spokesperson for the advisory committee.

Except for the Chair, no member of the advisory committee shall make any written or oral

statement of any confidential matter to any individual or body. A violation will result in immediate

removal from the committee.

Members of the advisory committee may receive information regarding personnel matters and

other information of a sensitive or confidential nature. It shall be the duty and responsibility of

each member to respect and maintain the confidentiality of client issues presented before the board.

Neither the advisory committee nor any individual member shall disseminate confidential

information received during advisory committee meetings. Advisory committee members are

required to sign confidentiality statements and will be removed from the advisory committee upon

violation of the confidentiality agreement.

5. Meetings

In accordance with the North Carolina General Statutes, all meetings are open to the public as

required by the open meetings act.

Unless otherwise specified, public meetings will follow the standard rules of procedure defined by

the Town Council. The members of the advisory committee shall adopt other rules and procedures

relating to the operation of the committee as needed. The advisory committee members shall

determine the date, time, and place for each meeting.

a. Regular Advisory Committee and Subcommittee Meetings

The advisory committee convenes upon call of the Chair and usually meets on a [weekly,

monthly, quarterly] basis. The meetings may be held in [specified or various locations] within

the Town. Subcommittee meeting dates shall be set by the subcommittee Chairs and shall be

scheduled in conjunction with advisory committee meetings.

7. Quorum

A quorum for a meeting of advisory committees shall consist of one more than half the voting

members.

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8. Voting

Decisions are reached by a simple majority vote unless otherwise required by law. All voting will be conducted in open meetings, except when in closed session as defined in the open meetings law. No issues can be voted upon unless a quorum is present.

a. Advisory Committee Meetings

Only appointed members can vote at advisory committee meetings. Appointed members shall not delegate their vote to another member.

Advisory committee members and others appointed by the Town board may vote at advisory committee meetings.

b. Voting by Chairs

The Chair of the advisory committee [may/may not] participate and vote on all issues.

c. Proxy

Voting by proxy is not allowed.

d.Ex Officio

Individuals appointed as ex officio members of the Advisory Committee are not allowed to vote.

9. Authorized Spokespersons

The advisory committee Chair and Town Manager are authorized spokespersons for the advisory committee. Other committee members may speak on behalf of the advisory committee only upon authorization by the Town Manager.

10. Conflict of Interest

During advisory committee meetings, a member shall abstain from voting when he or she has a conflict of interest as defined by the Town Council's policy.

During review proceedings, the applicant has the right to question the conflict of interest of any voting member. The advisory committee Chair should consult with the Town attorney on any potential conflict in appeal matters.

12. Limitation of Powers

Compliance with statutes and ordinances:

Nothing contained in this statement of policy and procedures shall be construed to be in conflict with any state law or Town of Surf City ordinance. Should there be an appearance of conflict, the appropriate state law or Town ordinance shall prevail.

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Neither the advisory committee, nor any member thereof, shall:

- 1. Incur Town expense or obligate the Town in any manner.
- 2. Release any written or oral report of any board activity to any individual or body other than the Office of the Town Manager. The committee Chair may issue a press release after consultation with the Town Manager.
- 3. Independently investigate citizen complaints against the Town or an employee of the Town.
- 4. Conduct any activity that might constitute or be construed as an official governmental review of departmental or employee actions.
- 5. Conduct any activity that might constitute or be construed as establishment of Town or department policy.
- 6. Violate the confidentiality of any information related to matters involving pending or forthcoming civil or criminal litigation.

Matters pertaining to discipline will be the sole responsibility of the Town Council and not the advisory committee. The activities of the advisory committee shall, at all times, be conducted in accordance with all federal, state, and local laws.

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Committee Handbook

DRAFT

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Introduction

Thank you for volunteering to serve on one of the Town of Surf City's advisory boards or committees. Volunteers play an important role in Town government, and your elected officials and Town staff look forward to working with you. Serving on a committee is an opportunity to collaborate with local government and to help shape decisions and policies that can affect our Town for years to come.

Boards and committees advise Town Council on a wide variety of subjects by making recommendations on policy matters or on other topics as requested by Council. The mission, responsibilities and time commitments for each committee vary. A complete description of each committee is included in this handbook. Some of the committees, such as the Board of Adjustment, have specific guidelines mandated by state law. Others, such as the Planning Board, have their purpose and guidelines included in the Town ordinances. The remaining committees were created by and are organized through Council action. Town ordinances for committee member attendance and other general rules, and the communications guidelines, are also included.

Unless otherwise indicated, serving on a committee is restricted to residents of the Town of Surf City. Committee vacancies are posted on the town bulletin board, and applications are available at Town Hall and on the Town's website, www.townofsurfcity.com. Committees have varying time periods for terms; Council considers applications at the regular work session meetings when positions are available.

We've also included some relevant state statutes regarding open meetings and public record law in the handbook. If you have any questions about these guidelines, about any of the committees or about serving on a committee, please contact Town Clerk Stephanie Hobbs at (910) 328-4131 or clerk@townofsurfcity.com.

Thank you for your service to the Town of Surf City!

Excerpts from N.C. General Statues – Open Meetings

§ 143-318.9. Public policy.

Whereas the public bodies that administer the legislative, policy-making, quasi-judicial, administrative, and advisory functions of North Carolina and its political subdivisions exist solely to conduct the people's business, it is the public policy of North Carolina that the hearings, deliberations, and actions of these bodies be conducted openly. (1979, c. 655, s. 1.)

§ 143-318.10. All official meetings of public bodies open to the public.

- (a) Except as provided in G.S. 143-318.11, 143-318.14A, and 143-318.18, each official meeting of a public body shall be open to the public, and any person is entitled to attend such a meeting.
- (b) As used in this Article, "public body" means any elected or appointed authority, board, commission, committee, council, or other body of the State, or of one or more counties, cities, school administrative units, constituent institutions of The University of North Carolina, or other political subdivisions or public corporations in the State that (i) is composed of two or more members and (ii) exercises or is authorized to exercise a legislative, policy-making, quasijudicial, administrative, or advisory function. In addition, "public body" means the governing board of a "public hospital" as defined in G.S. 159-39 and the governing board of any nonprofit corporation to which a hospital facility has been sold or conveyed pursuant to G.S. 131E-8, any subsidiary of such nonprofit corporation, and any nonprofit corporation owning the corporation to which the hospital facility has been sold or conveyed.
- (c) "Public body" does not include (i) a meeting solely among the professional staff of a public body, or (ii) the medical staff of a public hospital or the medical staff of a hospital that has been sold or conveyed pursuant to G.S. 131E-8.
- (d) "Official meeting" means a meeting, assembly, or gathering together at any time or place or the simultaneous communication by conference telephone or other electronic means of a majority of the members of a public body for the purpose of conducting hearings, participating in deliberations, or voting upon or otherwise transacting the public business within the jurisdiction, real or apparent, of the public body. However, a social meeting or other informal assembly or gathering together of the members of a public body does not constitute an official meeting unless called or held to evade the spirit and purposes of this Article.
- (e) Every public body shall keep full and accurate minutes of all official meetings, including any closed sessions held pursuant to G.S. 143-318.11. Such minutes may be in written form or, at the option of the public body, may be in the form of sound or video and sound recordings. When a public body meets in closed session, it shall keep a general account of the closed session so that a person not in attendance would have a reasonable understanding of what transpired. Such accounts may be a written narrative, or video or audio recordings. Such minutes and accounts shall be public records within the meaning of the Public Records Law, G.S. 132-1 et seq.; provided, however, that minutes or an account of a closed session conducted in compliance with G.S. 143-318.11 may be withheld from public inspection so long as public inspection would frustrate the purpose of a closed session. (1979, c. 655, s. 1; 1985 (Reg. Sess., 1986), c. 932, s.

4; 1991, c. 694, ss. 1, 2; 1993 (Reg. Sess., 1994), c. 570, s. 1; 1995, c. 509, s. 135.2(p); 1997-290, s. 1; 1997-456, s. 27; 2011-326, s. 8.)

§ 143-318.13. Electronic meetings; written ballots; acting by reference.

- (a) Electronic Meetings. If a public body holds an official meeting by use of conference telephone or other electronic means, it shall provide a location and means whereby members of the public may listen to the meeting and the notice of the meeting required by this Article shall specify that location. A fee of up to twenty-five dollars (\$25.00) may be charged each such listener to defray in part the cost of providing the necessary location and equipment.
- (b) Written Ballots. Except as provided in this subsection or by joint resolution of the General Assembly, a public body may not vote by secret or written ballot. If a public body decides to vote by written ballot, each member of the body so voting shall sign his or her ballot; and the minutes of the public body shall show the vote of each member voting. The ballots shall be available for public inspection in the office of the clerk or secretary to the public body immediately following the meeting at which the vote took place and until the minutes of that meeting are approved, at which time the ballots may be destroyed.
- (c) Acting by Reference. The members of a public body shall not deliberate, vote, or otherwise take action upon any matter by reference to a letter, number or other designation, or other secret device or method, with the intention of making it impossible for persons attending a meeting of the public body to understand what is being deliberated, voted, or acted upon. However, this subsection does not prohibit a public body from deliberating, voting, or otherwise taking action by reference to an agenda, if copies of the agenda, sufficiently worded to enable the public to understand what is being deliberated, voted, or acted upon, are available for public inspection at the meeting. (1979, c. 655, s. 1.)

§ 143-318.14. Broadcasting or recording meetings.

- (a) Except as herein below provided, any radio or television station is entitled to broadcast all or any part of a meeting required to be open. Any person may photograph, film, tape-record, or otherwise reproduce any part of a meeting required to be open.
- (b) A public body may regulate the placement and use of equipment necessary for broadcasting, photographing, filming, or recording a meeting, so as to prevent undue interference with the meeting. However, the public body must allow such equipment to be placed within the meeting room in such a way as to permit its intended use, and the ordinary use of such equipment shall not be declared to constitute undue interference; provided, however, that if the public body, in good faith, should determine that the size of the meeting room is such that all the members of the public body, members of the public present, and the equipment and personnel necessary for broadcasting, photographing, filming, and tape-recording the meeting cannot be accommodated in the meeting room without unduly interfering with the meeting and an adequate alternative meeting room is not readily available, then the public body, acting in good faith and consistent with the purposes of this Article, may require the pooling of such equipment and the personnel operating it; and provided further, if the news media, in order to facilitate news coverage, request an alternate site for the meeting, and the public body grants the request, then the news media making such request shall pay any costs incurred by the public body in securing an alternate meeting site. (1979, c. 655, s. 1.)

Excerpts from N.C. General Statutes – Public Records law

§ 132-1. "Public records" defined.

- (a) "Public record" or "public records" shall mean all documents, papers, letters, maps, books, photographs, films, sound recordings, magnetic or other tapes, electronic data-processing records, artifacts, or other documentary material, regardless of physical form or characteristics, made or received pursuant to law or ordinance in connection with the transaction of public business by any agency of North Carolina government or its subdivisions. Agency of North Carolina government or its subdivisions shall mean and include every public office, public officer or official (State or local, elected or appointed), institution, board, commission, bureau, council, department, authority or other unit of government of the State or of any county, unit, special district or other political subdivision of government.
- (b) The public records and public information compiled by the agencies of North Carolina government or its subdivisions are the property of the people. Therefore, it is the policy of this State that the people may obtain copies of their public records and public information free or at minimal cost unless otherwise specifically provided by law. As used herein, "minimal cost" shall mean the actual cost of reproducing the public record or public information. (1935, c. 265, s. 1; 1975, c. 787, s. 1; 1995, c. 388, s. 1.)

§ 132-1.2. Confidential information.

Nothing in this Chapter shall be construed to require or authorize a public agency or its subdivision to disclose any information that:

- (1) Meets all of the following conditions:
 - a. Constitutes a "trade secret" as defined in G.S. 66-152(3).
 - b. Is the property of a private "person" as defined in G.S. 66-152(2).
 - c. Is disclosed or furnished to the public agency in connection with the owner's performance of a public contract or in connection with a bid, application, proposal, industrial development project, or in compliance with laws, regulations, rules, or ordinances of the United States, the State, or political subdivisions of the State.
 - d. Is designated or indicated as "confidential" or as a "trade secret" at the time of its initial disclosure to the public agency.
- (2) Reveals an account number for electronic payment as defined in G.S. 147-86.20 and obtained pursuant to Articles 6A or 6B of Chapter 147 of the General Statutes or G.S. 159-32.1.
- (3) Reveals a document, file number, password, or any other information maintained by the Secretary of State pursuant to Article 21 of Chapter 130A of the General Statutes.
- (4) Reveals the electronically captured image of an individual's signature, date of birth, drivers license number, or a portion of an individual's social security number if the agency has those items because they are on a voter registration document.
- (5) Reveals the seal of a licensed design professional who is licensed under Chapter 83A or Chapter 89C of the General Statutes that has been submitted for project approval to (i) a municipality under Part 5 of Article 19 of Chapter 160A of the General Statutes or (ii) to a

county under Part 4 of Article 18 of Chapter 153A of the General Statutes. Notwithstanding this exemption, a municipality or county that receives a request for a document submitted for project approval that contains the seal of a licensed design professional who is licensed under Chapter 83A or Chapter 89C of the General Statutes and that is otherwise a public record by G.S. 132-1 shall allow a copy of the document without the seal of the licensed design professional to be examined and copied, consistent with any rules adopted by the licensing board under Chapter 83A or Chapter 89C of the General Statutes regarding an unsealed document.

- (6) Reveals documents related to the federal government's process to determine closure or realignment of military installations until a final decision has been made by the federal government in that process.
- (7) Reveals name, address, qualifications, and other identifying information of any person or entity that manufactures, compounds, prepares, prescribes, dispenses, supplies, or administers the drugs or supplies obtained for any purpose authorized by Article 19 of Chapter 15 of the General Statutes. (1989, c. 269; 1991, c. 745, s. 3; 1999-434, s. 7; 2001-455, s. 2; 2001-513, s. 30(b); 2003-226, s. 5; 2004-127, s. 17(b); 2009-346, s. 1; 2014-79, s. 8; 2015-198, s. 6.)

§ 132-2. Custodian designated.

The public official in charge of an office having public records shall be the custodian thereof. (1935, c. 265, s. 2.)

§ 132-3. Destruction of records regulated.

- (a) Prohibition. No public official may destroy, sell, loan, or otherwise dispose of any public record, except in accordance with G.S. 121-5 and G.S. 130A-99, without the consent of the Department of Natural and Cultural Resources. Whoever unlawfully removes a public record from the office where it is usually kept, or alters, defaces, mutilates or destroys it shall be guilty of a Class 3 misdemeanor and upon conviction only fined not less than ten dollars (\$10.00) nor more than five hundred dollars (\$500.00).
- (b) Revenue Records. Notwithstanding subsection (a) of this section and G.S. 121-5, when a record of the Department of Revenue has been copied in any manner, the original record may be destroyed upon the order of the Secretary of Revenue. If a record of the Department of Revenue has not been copied, the original record shall be preserved for at least three years. After three years the original record may be destroyed upon the order of the Secretary of Revenue.
- (c) Employment Security Records. Notwithstanding subsection (a) of this section and G.S. 121-5, when a record of the Division of Employment Security has been copied in any manner, the original record may be destroyed upon the order of the Division. If a record of that Division has not been copied, the original record shall be preserved for at least three years. After three years the original record may be destroyed upon the order of the Assistant Secretary of Commerce. (1935, c. 265, s. 3; 1943, c. 237; 1953, c. 675, s. 17; 1957, c. 330, s. 2; 1973, c. 476, s. 48; 1993, c. 485, s. 39; c. 539, s. 966; 1994, Ex. Sess., c. 24, s. 14(c); 1997-309, s. 12; 2001-115, s. 2; 2011-401, s. 3.16; 2015-241, s. 14.30(s).)

ARTICLE IV. - BOARDS, COMMISSIONS AND COMMITTEES [4] DIVISION 1. - GENERALLY

Sec. 2-101. - Appointment/qualifications for appointment.

- (a) The town council shall appoint the members of ad-hoc or standing committees and boards from written applications submitted to the town clerk, except in the case of special provisions that may be applicable for individual boards as denoted within this article or its cross-references. The town clerk shall advertise all vacancies two consecutive weeks in the local newspaper.
- (b) The clerk or his/her designee shall serve as the staff liaison to each of the town's ad-hoc or standing committees and boards.
- (c) Reserved.
- (d) All members appointed by the town council shall reside within the corporate limits of the town, unless otherwise denoted within this article or its cross-references.
- (4) During review of nominations for upcoming appointments, council may request the town manager's assistance in obtaining any pertinent background information.
- (5) "Appointments" will be made at the council's next monthly meeting in which the appointment is due.
- (6) The town clerk shall prepare a letter of notification to the appointee and a copy to the affected board, notifying each of the appointment. This letter will include a congratulation statement, the time, date, and place of the first meeting he is to begin service. If an individual is not reappointed, he will be sent a letter of appreciation by the mayor at the expiration of his term, thanking him for the past service rendered.

Sec. 2-101(a). - Replacement of members for cause; attendance requirements.

- (a) For any ad-hoc or standing committee or board town council establishes, town council may discharge and replace any member, for good cause, including, but not limited to, poor attendance, lack of participation, disqualification, malfeasance and conflict of interest.
- (b) No member of any ad-hoc or standing committee or board shall continue to serve as a member after becoming a town council member and shall resign at the end of the next committee or board meeting following installation.
- (c) Unless otherwise denoted in this article or its cross-references, any member, of any ad-hoc or standing committee or board who fails to attend any three out of five previous regular meetings shall be considered to have resigned and may only be reinstated by action of the town council upon a written request approved by a majority of the remaining membership. If an ad-hoc or standing committee or board does not have regularly scheduled meetings, then all special meetings shall be considered regular meetings, for the purpose of computing attendance requirements pursuant to this section.

- (d) Ad-hoc or standing committees or boards may, by a majority vote of its members, authorize the absence of a member for sickness or for a personal leave of absence not to exceed three months, upon written application of said member and upon a showing of good cause or special circumstances. An authorized absence shall not count against a member for the purpose of computing attendance requirements pursuant to this section.
- (e) A majority of the voting membership of the ad-hoc or standing committee or board, excluding vacant seats, shall constitute a quorum. A council or staff liaison shall not count toward the calculation of a quorum and shall not vote.

Sec. 2-101 (b). - Meetings.

All standing committees and boards shall establish a schedule of regular meetings. Standing committees and boards shall not deviate from their established meeting schedule except by a majority vote of the membership due to holidays or special circumstances. Notice of a schedule change must be provided to the town clerk at three working days prior to the scheduled meeting, to provide for public notice in accordance with the open meetings law.

Any ad-hoc committee may establish a schedule of regular meetings. Otherwise, ad-hoc committees shall establish a proposed schedule of special meetings. Ad-hoc committees shall not deviate from their established meeting schedules except by a majority vote of the membership due to holidays or special circumstances. Notice of a schedule change must be provided to the town clerk at least three working days prior to the scheduled meeting, to provide for public notice in accordance with the open meetings law.

Sec. 2-101 (c). - Compensation.

Members of all ad-hoc or standing committees or boards shall serve without compensation.

Guidelines for Communications For Council, Board and Committee Members For the Town of Surf City

North Carolina General Statute § 143-318.9. Public policy, provides the following:

Whereas the public bodies that administer the legislative, policy-making, quasi-judicial, administrative, and advisory functions of North Carolina and its political subdivisions exist solely to conduct the people's business, it is the public policy of North Carolina that the hearings, deliberations, and actions of these bodies be conducted openly.

The Town of Surf City abides by this state law and desires to establish the following guidelines for communications between council members as defined herein:

These guidelines apply to all members of the Town Council and all members of Council and Town committees, Commissions, Sub-committees, Boards, etc. in the Town of Surf City.

For purposes of these guidelines, reference to council members includes members of all other Town committees, boards and groups subject to the Open Meeting Law. Reference to the council shall include all such groups and meetings.

For purposes of these guidelines, "electronic means" means email, instant messaging, chatrooms, social media, microblogs and related electronic conversation.

For purposes of these guidelines, "Town Clerk" means the Town Clerk, manager, or his / her designee.

These guidelines apply regardless of whether the council member is using a Town-provided email address and account, his/her personal email address or account, or one provided by his/her employer; and to all social media accounts to which a council member posts.

Meeting materials

Electronic communication of meeting materials should generally be conducted in a one-way communication from the Town Clerk to the council.

- Council members may receive agenda materials, background information, and other meeting materials via email attachment or other electronic means (such as file sharing) from the Town Clerk.
- If a council member has questions or comments about materials received, he/she should inquire via electronic means directly back to the Town Clerk. A

- council member should not copy other council members on his/her inquiry.
- If the clarification is one of value to other council members, the Town Clerk may send follow-up materials or information to the council.

Materials relating to agenda items of a meeting must also be made available to the public at the meeting.

Communication during council meetings

- Council members should not communicate with one another via electronic means during a public meeting.
- Council members should not communicate with any member of Town staff via electronic means during a public meeting.
- Council members should not communicate with the public via electronic means during a public meeting.

Retention of electronic communications

 Council members should retain electronic communications in keeping with Town policies and procedures, whether such communication takes place on a Town-provided computer, home computer or other computer system.

BEAUTIFICATION & APPERANCE COMMITTEE

Section 1: Creation, General Duties of the Committee, Recommendations.

This group shall be known as the Surf City Beautification Committee. This Committee was established to develop ideas, and report to Town Clerk who will review suggestions and recommendations and, when necessary, present beautification matters to City Council.

Section 2: Appointments, Terms and Composition.

Initially, Town Council appointed six (6) members to the Committee, serving staggered terms of four (4) years. Regular terms of office shall expire on November 30th. In addition, Town Council shall appoint a Councilperson and a representative from Town staff to serve as voting ex-officio members, as well as serving in an advisory capacity. Committee members' terms of office shall be for four years and members are eligible to serve two consecutive terms. Vacancies are advertised in accordance with the Town's Appointment Policy. Vacancies are to be filled by Town Council as they occur. Regular meetings are to be held monthly and are open to the public.

Section 3: Election of Officers.

Annually at the September meeting, the Beautification Committee shall elect its Chairperson. The terms of these officers shall be one (2) years, with eligibility for reelection.

Section 4: Attendance at Meetings.

Members of the Beautification Committee are expected to attend all Committee meetings. Should a member miss three (3) or more consecutive meetings, the Committee Chairperson shall advise Town Council through the Town Clerk or Town Council representative that a vacancy exists. The Council will appoint a new member to fill the unexpired term.

Section 5: City Staff Services.

The Beautification Committee shall be assisted by the Town Clerk in secretarial and technical services.

Section 6: Annual Appropriations, Expenditures.

The Beautification Committee shall annually submit to the Town's Finance Director by April 15 its requested budget for the next fiscal year. All expenditures are administered by the Town in accordance with the N. C. Local Government Budget & Fiscal Control Act.

Section 7: Responsibilities and Duties.

The Beautification Committee shall act in an advisory capacity to Town Council, Town Clerk and departments of the Town in relation to general appearance of the community, and shall have the following duties:

- A. (1) To initiate, promote and assist in programs and activities that will aid in the beautification of the Town.
 - (2) To seek to coordinate the activities of individuals, agencies and organizations, public and private, whose plans, activities and programs bear upon the appearance of the Town.
 - (3) To provide leadership and guidance to individuals, public and private organizations and agencies, and the general public in matters relating to community appearance.
- B. In addition to the duties above, the Beautification Committee shall have the following special duties:
 - (1) The Committee, in cooperation with the Town Clerk and Town Planner, shall periodically review the Tree Policy and make recommendations to City Council.
- C. The Beautification Committee shall have the following powers:
 - (1) The Committee may suggest from time to time, the adoption of ordinances that will help the beautification and cleanup efforts.
 - (2) To promote public interest to advance the cause of improved municipal appearance.

Section 8: Compensation.

All members of the Committee shall serve without compensation – except that they may be reimbursed for actual expenses incident to the performance of their duties within the limits of funds available to the Committee.

Section 10: Rules of Order.

Robert's Rules of Order used as a guideline of accepted parliamentary procedure.

§ 160A-388. BOARD OF ADJUSTMENT

(N.C. General Statutes – 5 members, up to 2 alternates)

14.1 Creating the board of adjustment.

The Surf City town council shall provide for the appointment of the board of adjustment (hereinafter called the board). Insofar as possible, members of the board shall be appointed from different areas within the town zoning jurisdiction. The board shall consist of a minimum of five (5) members. Insofar as possible, initial appointments to the board shall be as follows: one-third (1/3) for a term of three (3) years; one-third for a term of two (2) years; and one-third for a term of three (3) years to serve in the absence of regular members. The successor to the regular and alternate members shall be appointed for three-year terms. Vacancies shall be filled for the unexpired term only. Members of the board of adjustment may be removed for cause in accordance with their rules or procedure.

14.2 Meetings.

The town council shall appoint one (1) of the board members as chairman and another as vice-chairman who shall serve for one (1) year. The board shall draw up and adopt rules of procedures under which it will operate. Meetings of the board shall be held at the call of the chairman and at such times as the board may determine. The chairman, or in his absence, the acting chairman, may administer oaths and compel the attendance of witnesses. All meetings of the board shall be open to the public. The board shall keep minutes of its proceedings, showing the vote of each member upon every question, or his absence or failure to vote, indicating such fact, and also keep records of its examination and any other official action.

14.3 Filing and notice for an appeal.

Appeals from the enforcement and interpretation of this ordinance and application for variances may be taken to the board of adjustment by any person aggrieved or by any office, department, board or bureau of the town affected. Notice of appeal to the board of adjustment shall be filed with the town planner. An appeal stays all proceedings in furtherance of the action from, unless the town planner certifies to the board that, by reason of facts stated in the certificate, a stay would, in his opinion, cause imminent peril to life and property, in which case proceedings shall not be stayed otherwise than by a restraining order, which may be granted by the board or by a court of record.

Hearing of the appeal. After receipt of the notice of appeal, the board chairman shall schedule the time for a hearing, which shall be at least twenty (20) working days following receipt of the appeal and which shall allow adequate time for required public hearing notices.

Notice. ["]The notice must be deposited in the mail at least ten (10) days, but not more than twenty-five (25) days prior to the date of the hearing. Within that same period, the town shall also prominently post a notice of the hearing on the site that is the subject of the hearing or on an adjacent street or highway right-of-way."

Fees for appeals. Applications for appeals shall be accompanied by the required application fee, as set from time to time by the town council.

(Ord. No. 2013-05, 10-1-13)

14.4 Powers and duties.

The board of adjustment shall have the following powers and duties:

- 1) To hear and decide appeals where it is alleged by the appellant that there is error in any decision made by the town planner or other administrative officials in the carrying out or enforcement of any provision of the ordinance. A simple majority of the members of the board shall be necessary to reverse, wholly or partly any such decision.
- 2) To authorize variances from the terms of this ordinance as will not be contrary to the public interest where, owing to special conditions a literal enforcement of the provisions of this ordinance would result in unnecessary hardship. In granting any variance, the board may prescribe appropriate conditions and safeguards in conformity with this ordinance. A variance from the terms of this ordinance shall not be granted by the board unless and until the following findings are made:
- a) That an unnecessary hardship would result from the strict application of the ordinance. It shall not be necessary to demonstrate that, in the absence of the variance, no reasonable use can be made of the property.
- b) That the hardship results from conditions that are peculiar to the property, such as location, size, and topography. Hardships resulting from personal circumstances, as well as hardships resulting from conditions that are common to the neighborhood or the general public, may not be the basis for granting a variance.
- c) That the hardship did not result from actions taken by the applicant or the property owner. The act of purchasing property with knowledge that circumstances exist that may justify granting of a variance shall not be regarded as a self-created hardship.
- d) That the requested variance is consistent with the spirit, purpose, and intent of the ordinance, such that public safety is secured and substantial justice is achieved
- 3) A vote of four-fifths (4/5) shall be required to grant a variance from the terms of this ordinance.

(Ord. No. 2013-05, 10-1-13)

14.5 Appeal from the board of adjustment.

An appeal from the decision of the board of adjustment may be made to the Pender County Superior Court or Onslow County Superior Court, depending upon which county the property in question lies, within thirty (30) days after the decision is made by the board, but not thereafter.

- (1) Any person who has standing under G.S. 160A-393(d) or the city may appeal a decision to the board of adjustment. An appeal is taken by filing a notice of appeal with the city clerk. The notice of appeal shall state the grounds for the appeal.
- (2) The official who made the decision shall give written notice to the owner of the property that is the subject of the decision and to the party who sought the decision, if

- different from the owner. The written notice shall be delivered by personal delivery, electronic mail, or by first-class mail.
- (3) The owner or other party shall have 30 days from receipt of the written notice within which to file an appeal. Any other person with standing to appeal shall have 30 days from receipt from any source of actual or constructive notice of the decision within which to file an appeal.
- (4) It shall be conclusively presumed that all persons with standing to appeal have constructive notice of the decision from the date a sign containing the words "Zoning Decision" or "Subdivision Decision" in letters at least six inches high and identifying the means to contact an official for information about the decision is prominently posted on the property that is the subject of the decision, provided the sign remains on the property for at least 10 days. Posting of signs is not the only form of constructive notice. Any such posting shall be the responsibility of the landowner or applicant. Verification of the posting shall be provided to the official who made the decision. Absent an ordinance provision to the contrary, posting of signs shall not be required.
- (5) The official who made the decision shall transmit to the board all documents and exhibits constituting the record upon which the action appealed from is taken. The official shall also provide a copy of the record to the appellant and to the owner of the property that is the subject of the appeal if the appellant is not the owner.
- (6) An appeal of a notice of violation or other enforcement order stays enforcement of the action appealed from unless the official who made the decision certifies to the board of adjustment after notice of appeal has been filed that because of the facts stated in an affidavit, a stay would cause imminent peril to life or property or because the violation is transitory in nature, a stay would seriously interfere with enforcement of the ordinance. In that case, enforcement proceedings shall not be stayed except by a restraining order, which may be granted by a court. If enforcement proceedings are not stayed, the appellant may file with the official a request for an expedited hearing of the appeal, and the board of adjustment shall meet to hear the appeal within 15 days after such a request is filed. Notwithstanding the foregoing, appeals of decisions granting a permit or otherwise affirming that a proposed use of property is consistent with the ordinance shall not stay the further review of an application for permits or permissions to use such property; in these situations the appellant may request and the board may grant a stay of a final decision of permit applications or building permits affected by the issue being appealed.
- (7) Subject to the provisions of subdivision (6) of this subsection, the board of adjustment shall hear and decide the appeal within a reasonable time.
- (8) The official who made the decision shall be present at the hearing as a witness. The appellant shall not be limited at the hearing to matters stated in the notice of appeal. If any party or the city would be unduly prejudiced by the presentation of matters not presented in the notice of appeal, the board shall continue the hearing. The board of adjustment may reverse or affirm, wholly or partly, or may modify the decision appealed from and shall make any order, requirement, decision, or determination that ought to be made. The board shall have all the powers of the official who made the decision.

- (9) When hearing an appeal pursuant to G.S. 160A-400.9(e) or any other appeal in the nature of certiorari, the hearing shall be based on the record below and the scope of review shall be as provided in G.S. 160A-393(k).
- (10) The parties to an appeal that has been made under this subsection may agree to mediation or other forms of alternative dispute resolution. The ordinance may set standards and procedures to facilitate and manage such voluntary alternative dispute resolution.
- (c) Special and Conditional Use Permits. The ordinance may provide that the board of adjustment may hear and decide special and conditional use permits in accordance with standards and procedures specified in the ordinance. Reasonable and appropriate conditions may be imposed upon these permits.
- (d) Variances. When unnecessary hardships would result from carrying out the strict letter of a zoning ordinance, the board of adjustment shall vary any of the provisions of the ordinance upon a showing of all of the following:
 - (1) Unnecessary hardship would result from the strict application of the ordinance. It shall not be necessary to demonstrate that, in the absence of the variance, no reasonable use can be made of the property.
 - (2) The hardship results from conditions that are peculiar to the property, such as location, size, or topography. Hardships resulting from personal circumstances, as well as hardships resulting from conditions that are common to the neighborhood or the general public, may not be the basis for granting a variance.
 - (3) The hardship did not result from actions taken by the applicant or the property owner. The act of purchasing property with knowledge that circumstances exist that may justify the granting of a variance shall not be regarded as a self-created hardship.
 - (4) The requested variance is consistent with the spirit, purpose, and intent of the ordinance, such that public safety is secured, and substantial justice is achieved.

No change in permitted uses may be authorized by variance. Appropriate conditions may be imposed on any variance, provided that the conditions are reasonably related to the variance. Any other ordinance that regulates land use or development may provide for variances consistent with the provisions of this subsection.

(e) Voting. -

- (1) The concurring vote of four-fifths of the board shall be necessary to grant a variance. A majority of the members shall be required to decide any other quasi-judicial matter or to determine an appeal made in the nature of certiorari. For the purposes of this subsection, vacant positions on the board and members who are disqualified from voting on a quasi-judicial matter shall not be considered members of the board for calculation of the requisite majority if there are no qualified alternates available to take the place of such members.
- (2) A member of any board exercising quasi-judicial functions pursuant to this Article shall not participate in or vote on any quasi-judicial matter in a manner that would violate affected persons' constitutional rights to an impartial decision maker. Impermissible

violations of due process include, but are not limited to, a member having a fixed opinion prior to hearing the matter that is not susceptible to change, undisclosed ex parte communications, a close familial, business, or other associational relationship with an affected person, or a financial interest in the outcome of the matter. If an objection is raised to a member's participation and that member does not recuse himself or herself, the remaining members shall by majority vote rule on the objection.

- (e1) Recodified as subdivision (e)(2) by Session Laws 2013-126, s. 1, effective October 1, 2013, and applicable to actions taken on or after that date by any board of adjustment.
- (e2) Quasi-Judicial Decisions and Judicial Review. -
 - (1) The board shall determine contested facts and make its decision within a reasonable time. Every quasi-judicial decision shall be based upon competent, material, and substantial evidence in the record. Each quasi-judicial decision shall be reduced to writing and reflect the board's determination of contested facts and their application to the applicable standards. The written decision shall be signed by the chair or other duly authorized member of the board. A quasi-judicial decision is effective upon filing the written decision with the clerk to the board or such other office or official as the ordinance specifies. The decision of the board shall be delivered by personal delivery, electronic mail, or by first-class mail to the applicant, property owner, and to any person who has submitted a written request for a copy, prior to the date the decision becomes effective. The person required to provide notice shall certify that proper notice has been made.
 - (2) Every quasi-judicial decision shall be subject to review by the superior court by proceedings in the nature of certiorari pursuant to G.S. 160A-393. A petition for review shall be filed with the clerk of superior court by the later of 30 days after the decision is effective or after a written copy thereof is given in accordance with subdivision (1) of this subsection. When first-class mail is used to deliver notice, three days shall be added to the time to file the petition.
- (f) Oaths. The chair of the board or any member acting as chair and the clerk to the board are authorized to administer oaths to witnesses in any matter coming before the board. Any person who, while under oath during a proceeding before the board of adjustment, willfully swears falsely is guilty of a Class 1 misdemeanor.
- (g) Subpoenas. The board of adjustment through the chair, or in the chair's absence anyone acting as chair, may subpoena witnesses and compel the production of evidence. To request issuance of a subpoena, persons with standing under G.S. 160A-393(d) may make a written request to the chair explaining why it is necessary for certain witnesses or evidence to be compelled. The chair shall issue requested subpoenas he or she determines to be relevant, reasonable in nature and scope, and not oppressive. The chair shall rule on any motion to quash or modify a subpoena. Decisions regarding subpoenas made by the chair may be appealed to the full board of adjustment. If a person fails or refuses to obey a subpoena issued pursuant to this subsection, the board of adjustment or the party seeking the subpoena may apply to the General Court of Justice for an order requiring that its subpoena be obeyed, and the court shall have

jurisdiction to issue these orders after notice to all proper parties. (1923, c. 250, s. 7; C.S., s. 2776(x); 1929, c. 94, s. 1; 1947, c. 311; 1949, c. 979, ss. 1, 2; 1963, c. 1058, s. 3; 1965, c. 864, s. 2; 1967, c. 197, s. 1; 1971, c. 698, s. 1; 1977, c. 912, ss. 9-12; 1979, c. 50; 1979, 2nd Sess., c. 1247, s. 37; 1981, c. 891, s. 7; 1985, c. 397, s. 2; c. 689, s. 30; 1991, c. 512, s. 2; 1993, c. 539, s. 1088; 1994, Ex. Sess., c. 24, s. 14(c); 2005-418, s. 8(a); 2009-421, s. 5; 2013-126, ss. 1, 2(a), 2(b); 2013-410, s. 25(a).)

SURF CITY COMMUNITY CENTER ADVISORY BOARD MEMBER RESPONSIBILITIES

<u>COMPOSITION:</u> The Advisory Board shall be composed of eight members appointed by the Surf City Town Council.

<u>PURPOSE</u>: To serve in an advisory capacity to the Director of the Surf City Community Center and be community advocates for indentifying and providing services to enhance life in Surf City. Members will serve as liaisons and representatives to other agency affiliations.

Bi-Laws

ARTICLE I:

Recreation Advisory Committee members shall be appointed and reappointed by the Town Council in consideration of recommendations from the Parks & Recreation Director.

ARTICLE II:

The Recreation Advisory Committee shall assume the following duties:

- 1. Advise the Director of recreational issues and convey the needs and desires of the citizens.
- 2. Offer suggestions and provide information for planning and developing recreation programs and activities that will best fit the recreational needs of the community.
- 3. Propose ideas for use of, or improvements of, parks, playgrounds, community centers, water areas, or other recreation areas and facilities as may be necessary to the recreation program within those funds allocated to the department.
- 4. Assist in furthering and promoting the recreation program through volunteering and stimulating public involvement.
- 5. Make recommendations for setting up a budget for the fiscal year.

ARTICLE III:

- a. The election of officers, a Chairman and a Vice-Chairman, will take place at the regular meeting in June of each year. Interested committee members shall make it known that they would like to be nominated for the offices at the meeting in May of each year.
- b. The new officers shall take office at the regularly scheduled July meeting each year.

ARTICLE IV:

- a. It shall be the duty of the Chairman to preside at all meetings.
- b. The Vice-Chairman shall preside in the absence of the Chairman.
- c. When both the Chairman and Vice-Chairman are absent, a temporary Chairman shall be selected by those members who are present.

ARTICLE V:

The Recreation Administrative Supervisor shall serve as secretary of the Recreation Advisory Committee. It shall be the duty of the secretary to notify members of meeting cancellations, keep a permanent record of the proceedings of meetings, and to have a copy of the proceedings of each meeting sent to each member. It shall also be the duty of the secretary to submit annual reports of

the programs and finances at the regular meeting in July of each year.

ARTICLE VI:

- a. Sub-committee leaders shall be appointed by the Chairman at the regularly scheduled meeting in July of each year. Vacancies on the standing committees shall be filled by the Director or Chairperson at any regular meeting.
- b. Standing Committees are as follows:
- 1. Parks & Maintenance 2 members and the Parks Maintenance Supervisor

The Parks & Maintenance Committee shall be aware of the use, need, demand and availability of facilities, and recreation areas (including water areas) and make recommendations on acquisition, development, use and operation of all facilities and areas owned, leased or proposed to be acquired by the recreation department.

2. Members, Classes & Promotion – 2 members and the Parks & Recreation Office Assistant

The Members, Classes & Promotion Committee shall be aware of the use, need, demand and availability of classes and membership opportunities and make recommendations on development, implementation and promotion of proposed classes and membership opportunities.

- 3. Camps, Clinics & Programs 2 members and the Recreation Program Supervisor The Camps, Clinics & Programs Committee shall be aware of the use, need, demand and availability of camps, clinics and recreational programs and make recommendations on development, implementation and promotion of proposed camps, clinics and recreational programs.
- 4. Special Events 1 member and the Special Events Coordinator
 The Special Events Committee shall be aware of the use, need, demand and availability of special event opportunities and make recommendations on development, implementation and promotion of proposed special event opportunities.
- c. Other Special Committees may be appointed for such purposes as deemed necessary.
- d. The Chairman and Director shall be ex-officio members of all committees and, as such, notified of all committee meetings.

ARTICLE VII:

- a. Regular meetings of the Recreation Advisory Committee shall be held at 3:30 PM on the 3rd Tuesday of each month and shall be held at the Surf City Community Center Conference Room, unless designated otherwise.
 - a. Special meetings may be called by the Chairman, Director or upon written request from a majority of the body.
 - b. A majority of the members constitute a quorum.
 - c. The order of business at regular meetings shall be as follows:

Call to Order

Approval of the minutes

Previous Business

New Business

Public Forum

Committee Forum

Director Reports

Council Liaison Reports

Adjournment

d. An appointed member who misses three consecutive regular meetings, except when such absence is made necessary by sickness or other similar causes ruled as emergency in nature, forfeits their seat on the committee.

ARTICLE VIII:

All amendments to these bi-laws must be proposed in writing to the Town Manager for approval. Requests for amendments will be acted upon at the next regular meeting.

PLANNING BOARD

DRAFT BILAWS

Sec. 13-1 Planning Board

A planning board for the town is hereby created under the authority of G.S. 160A-361 to serve the public interest by promoting the public health, safety and general welfare of the residents of the Town of Surf City and its extraterritorial jurisdiction. It is the intent of the town to have representation of a broad cross-section of community interests.

Sec. 13-1(1) - Composition and vacancies.

- (a) There shall be a planning board consisting of seven members. Six members plus two alternates, appointed by the town council, shall reside within the town. One member, appointed by the county board of commissioners, shall reside within the town's extraterritorial planning area.
- (b) Planning board members shall be appointed for three-year staggered terms. Vacancies of member seats occurring for reasons other than expirations of terms shall be filled as they occur for the period of the unexpired term by appointment of the town council.

Sec. 13-1(2). - Organization, rules and records.

- (a) The Mayor will appoint a chair and vice-chair from among the appointed members. The town manager shall designate administrative personnel to serve as secretary to the board. The planning director and town attorney, as requested by the planning director, shall sit as staff to the planning board and shall provide professional planning assistance and legal guidance to the board in the implementation of section 13-1(1). All members shall be entitled to vote.
- (b)In the event of the absence of both the Chairman and Vice-Chairman from a meeting of the Planning Board, the remaining members present may elect a temporary Chairman for that meeting and proceed with the order of business
- (c) The chairman shall decide all points of procedure and for the transaction of its business, and the secretary shall keep a record of attendance, resolutions, transactions, findings, and recommendations. Such records shall record how each member votes on each question requiring a vote. The records of the planning board shall be public, and a copy of all minutes shall be placed in the town hall. The planning board shall hold at least one meeting every three months, and all of its meetings shall be open to the public. There shall be a quorum of four members for the purpose of taking any official action required by this article.

Sec. 13-1(3). - Appropriations.

The town council shall make available to the planning board such appropriations as the town council may deem appropriate for expenditures necessary to carry out the business of the planning board. All expenditures shall be approved by the planning director or town manager.

Sec. 13-1(4) – Meetings/Attendance of members.

- (a) Regular meetings of the Planning Board shall be held on the second Thursday of each month at 5:30 p.m. in the Surf City Town Hall. Each member shall be notified of each regular meeting by the Secretary to the Planning Board. The Secretary shall also notify each Planning Board member of all joint Town Council/Planning Board public hearings. Said meetings shall be considered Town Council meetings for purposes of determining the rules of conduct and procedure. The Chairman reserves the right to move the meeting location, time and date of a regularly scheduled meeting so long as notice of such meeting is given to the general public per Section 5-5 herein and all Planning Board members are given written, electronic or oral notice of the change at least 48 hours in advance.
- (b) In order for the Planning Board to carry out its duties and responsibilities, it is necessary for all members to attend meetings. If any member is absent for two (2) consecutive regular meetings, the Chairman may direct the Secretary to notify such member in writing of their absences. Per the Town ordinance all members must attend 2/3 of all meetings scheduled within a 12 month period, that person's appointment shall automatically expire. The council may, at its discretion, reinstate an appointee whose term has expired under these rules. 2-101

Sec. 13-1(5) - Member responsibilities.

- (a) A member shall request to be excused from discussion of or voting on any matter where the outcome of the matter being considered is reasonably likely to have a direct, substantial, and readily identifiable financial impact on the member.
- (b) A member shall represent him or herself as a board member and not undermine board recommendations at any other public meetings that address planning issues.

Sec. 13-1(6) Action by the Board

- (a)All actions of the Planning Board shall have been put before the Planning Board members in the form of a motion, duly seconded, and voted upon by all unexcused members present for a quorum.
- (b) Voting shall be done by voice or hand, as determined by the Chairman. The Chairman shall vote only in case of a tie. Only members present at the time a vote is taken shall be eligible to vote.